

# EXHIBIT A

1 Dale K. Galipo, Esq. (Bar No. 144074)  
dalekgalipo@yahoo.com  
2 Renee V. Masongsong, Esq. (Bar No. 281819)  
rvalentine@galipolaw.com  
3 LAW OFFICES OF DALE K. GALIPO  
21800 Burbank Blvd., Suite 310  
4 Woodland Hills, CA 91367  
Tel: (818) 347-3333 / Fax: (818) 347-4118

5 Sharon J. Brunner, Esq. (Bar No. 229931)  
sharonjbrunner@yahoo.com  
6 LAW OFFICE OF SHARON J. BRUNNER  
14393 Park Ave., Suite 100  
7 Victorville, CA 92392  
8 Tel: (760) 243-9997 / Fax: (760) 843-8155

9 *Attorneys for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 JOSE ALVARADO, JIMENA  
13 ALVARADO, ERIKA ALVARADO,  
and MARCOS ALVARADO, in each  
14 case individually and as successor in  
interest to Delfino Avila, deceased,

15 Plaintiffs,

16 vs.

17 CITY OF SAN BERNARDINO; ZACK  
18 EWING; CARLA GUTIERREZ; and  
DOES 13-10, inclusive,

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

James S. Terrell, Esq. (Bar No. 170409)  
LAW OFFICE OF JAMES TERRELL  
jim@talktoterrell.com  
15411 Anacapa Rd.  
Victorville, CA 92392  
Tel: (760) 951-5850 / Fax: (760) 952-1085

Case No. 5:24-cv-00088-JGB-SHK

**FIRST AMENDED COMPLAINT**  
**FOR DAMAGES**

1. Unreasonable Search and Seizure—Unlawful Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)
3. Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)
4. Due Process—Interference with Familial Relationship (42 U.S.C. § 1983)
5. Municipal Liability – Inadequate Training (42 U.S.C. § 1983)
6. Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
7. Municipal Liability – Ratification (42 U.S.C. § 1983)
8. False Arrest/ False Imprisonment
9. Battery (wrongful death and survival)
10. Negligence (wrongful death and survival)
11. Violation of Cal. Civil Code § 52.1

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 COME NOW Plaintiffs JOSE ALVARADO, JIMENA ALVARADO,  
3 ERIKA ALVARADO, AND MARCOS ALVARADO, individually and as  
4 successors in interest to Delfino Avila, deceased, for their Complaint against  
5 Defendants CITY OF SAN BERNARDINO, ZACK EWING, CARLA  
6 GUTIERREZ, and DOES 13-10, inclusive, and allege as follows:  
7

8 **JURISDICTION AND VENUE**

9 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331  
10 and 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the  
11 United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth  
12 Amendments of the United States Constitution. This Court has supplemental  
13 jurisdiction over Plaintiffs' claims arising under state law pursuant to 28 U.S.C. §  
14 1367(a), because those claims are so related to the federal claims that they form part  
15 of the same case or controversy under Article III of the United States Constitution.

16 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because  
17 Defendants reside in this district and all incidents, events, and occurrences giving  
18 rise to this action occurred in this district.  
19

20 **INTRODUCTION**

21 3. This civil rights and state tort action seeks compensatory and punitive  
22 damages from Defendants for violating various rights under the United States  
23 Constitution and state law in connection with the fatal officer-involved shooting of  
24 Plaintiffs' father, Delfino Avila ("DECEDENT"), on November 30, 2022.  
25  
26  
27  
28

**PARTIES**

4. At all relevant times, DECEDENT was an individual residing in San Bernardino, California.

5. Plaintiff JOSE ALVARADO (“JOSE”) is an individual residing in San Bernardino, California and is the natural son of DECEDENT. JOSE sues in his individual capacity as the son of DECEDENT and also as a successor in interest to DECEDENT. JOSE seek both survival and wrongful death damages under federal and state law.

6. Plaintiff MARCOS ALVARADO (“MARCOS”) is an individual residing in San Bernardino, California and is the natural son of DECEDENT. MARCOS sues in his individual capacity as the son of DECEDENT and also as a successor in interest to DECEDENT. MARCOS seeks both survival and wrongful death damages under federal and state law.

7. Plaintiff ERIKA ALVARADO (“ERIKA”) is an individual residing in San Bernardino, California and is the natural daughter of DECEDENT. ERIKA sues in her individual capacity as the daughter of DECEDENT and also as a successor in interest to DECEDENT. ERIKA seeks both survival and wrongful death damages under federal and state law.

8. Plaintiff JIMENA ALVARADO (“JIMENA”) is an individual residing in San Bernardino, California and is the natural daughter of DECEDENT. JIMENA sues in her individual capacity as the daughter of DECEDENT and also as a successor in interest to DECEDENT. JIMENA seeks both survival and wrongful death damages under federal and state law.

9. Defendant ZACK EWING (“EWING”) is a Police officer working for the SBPD. At all relevant times, EWING was acting under color of law within the course and scope of their duties as a police officer for the SBPD. EWING was

1 acting with the complete authority and ratification of his principal, Defendant CITY,  
2 at all relevant times.

3 8.10. Defendant CARLA GUTIERREZ (“GUTIERREZ”) is a Police officer  
4 working for the SBPD. At all relevant times, GUTIERREZ was acting under color  
5 of law within the course and scope of their duties as a police officer for the SBPD.  
6 GUTIERREZ was acting with the complete authority and ratification of her  
7 principal, Defendant CITY, at all relevant times.

8 9.11. At all relevant times, Defendant CITY OF SAN BERNARDINO  
9 (“CITY”) is and was a municipal corporation existing under the laws of the State of  
10 California. CITY is a chartered subdivision of the State of California with the  
11 capacity to be sued. CITY is responsible for the actions, omissions, policies,  
12 procedures, practices, and customs of its various agents and agencies, including the  
13 San Bernardino Police Department and its agents and employees. At all relevant  
14 times, Defendant CITY was responsible for assuring that the actions, omissions,  
15 policies, procedures, practices, and customs of the San Bernardino Police  
16 Department and its employees and agents complied with the laws of the United  
17 States and of the State of California. At all relevant times, CITY was the employer  
18 of Defendants EWING, GUTIERREZ, and DOES 13-10.

19 10.12. Defendants DOES 13-7 (“DOE OFFICERS”) are, and were at the time  
20 of this incident, police officers working for the San Bernardino Police Department.  
21 At all relevant times, DOE OFFICERS were acting under color of law within the  
22 course and scope of their duties as police officers for the San Bernardino Police  
23 Department. At all relevant times, DOE OFFICERS were acting with the complete  
24 authority and ratification of their principal, Defendant CITY. ~~“DOE 1” is the officer~~  
25 ~~who fired the lethal shots at DECEDENT during the incident. “DOE 2” is the~~  
26 ~~officer who deployed a Taser at DECEDENT during the incident.~~  
27  
28

1 ~~11.13.~~ Defendants DOES 8-10 are, and were at the time of this incident,  
2 managerial, supervisory, and policymaking employees of the San Bernardino  
3 Police Department, who were acting under color of law within the course and scope  
4 of their duties as managerial, supervisory, and policymaking employees for the San  
5 Bernardino Police Department. At all relevant times, DOES 8-10 were acting with  
6 the complete authority and ratification of their principal, Defendant COUNTY.

7 ~~12.14.~~ On information and belief, EWING, GUTIERREZ, and DOES ~~13~~-10  
8 were residents of the County of San Bernardino.

9 ~~13.15.~~ In doing the acts and failing and omitting to act as hereinafter  
10 described, Defendants EWING, GUTIERREZ, and DOE OFFICERS were acting on  
11 the implied and actual permission and consent of Defendants DOES 8-10 and the  
12 CITY.

13 ~~14.16.~~ In doing the acts and failing and omitting to act as hereinafter  
14 described, Defendants EWING, GUTIERREZ, and DOES ~~13~~-10 were acting on the  
15 implied and actual permission and consent of the CITY.

16 ~~15.17.~~ The true names and capacities, whether individual, corporate,  
17 association or otherwise of Defendants DOES ~~13~~-10, inclusive, are unknown to  
18 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs  
19 will seek leave to amend this complaint to show the true names and capacity of  
20 these Defendants when they have been ascertained. Each of the fictitiously named  
21 Defendants are responsible in some manner for the conduct or liabilities alleged  
22 herein.

23 ~~16.18.~~ At all times mentioned herein, each and every defendant was the agent  
24 of each and every other defendant and had the legal duty to oversee and supervise  
25 the hiring, conduct, and employment of each and every defendant.

26 ~~17.19.~~ All of the acts complained of herein by Plaintiffs against Defendants  
27 were done and performed by said Defendants by and through their authorized  
28

1 agents, servants, and/or employees, all of whom at all relevant times herein were  
2 acting within the course, purpose, and scope of said agency, service, and/or  
3 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
4 complained of herein.

5 18.20. EWING, GUTIERREZ, and DOES 13-10 are sued in their individual  
6 capacity.

7 19.21. On or around May 25, 2023, Plaintiffs filed comprehensive and timely  
8 claims for damages with the City of San Bernardino and the City of San Bernardino  
9 pursuant to applicable sections of the California Government Code. The claims  
10 were rejected by operation of law.

11  
12 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

13 20.22. Plaintiffs repeat and re-allege each and every allegation in the prior  
14 paragraphs of this Complaint with the same force and effect as if fully set forth  
15 herein.

16 23. On November 30, 2022, EWING and GUTIERREZ DOE OFFICERS  
17 responded to a call regarding an unidentified male setting fire to a palm tree.  
18 EWING and GUTIERREZ DOE OFFICERS contacted DECEDENT in a driveway  
19 of a residence. At that time, DECEDENT was not setting any fires or committing  
20 any serious or violent crime. DECEDENT walked away from the officers, into a  
21 backyard after they arrived.

22 24. EWING and GUTIERREZ each deployed their Taser at DECEDENT,  
23 which escalated the situation. A reasonably well-trained police officer in the  
24 position of EWING and GUTIERREZ would have known that DECEDENT was  
25 mentally ill or experiencing a mental crisis, and would have known that the Taser  
26 usage would escalate the situation involving DECEDENT. Before the officers  
27 deployed their Tasers, the officers failed to give DECEDENT a verbal warning that  
28

1 he would be Tased. The officers also failed to give DECEDENT sufficient  
2 commands and time to comply with those commands.

3 25. After the officers deployed their Tasers against DECEDENT, EWING  
4 fired lethal shots at DECEDENT. Prior to shooting, EWING failed to give  
5 DECEDENT a verbal warning that deadly force would be used, even though it  
6 would have been feasible to do so. GUTIERREZ integrally participated in and  
7 failed to intervene in the shooting, and GUTIERREZ had an opportunity and  
8 responsibility to intervene.

9 \_\_\_\_\_The uses of force by EWING and GUTIERREZ, including the Taser  
10 deployment and the lethal shots, were excessive, unreasonable, unjustified,  
11 inappropriate, and contrary to basic police training. DECEDENT posed no  
12 immediate threat of death or serious bodily injury to any person during this incident,  
13 including during the use of the uses of force. Therefore, the uses of force, including  
14 the Tasing and the shooting, were excessive, unreasonable, unjustified,  
15 inappropriate, and contrary to basic police training.

16 21.26. DECEDENT held a wooden cross or object during this incident, but  
17 and he was not armed with a knife, or gun or other weapon. Based on  
18 DECEDENT's behavior, a reasonably well-trained police officer in the position of  
19 EWING and GUTIERREZ DOE OFFICERS should have known that DECEDENT  
20 was mentally ill or experiencing a mental crisis. DOE 2EWING and GUTIERREZ  
21 deployed a Taser at DECEDENT, which escalated the situation. DOE 1EWING and  
22 GUTIERREZ fired lethal shots at DECEDENT, injuring and ultimately killing him.  
23 On information and belief, the officers failed to give DECEDENT a verbal warning  
24 that force would be used prior to deploying the Taser and also prior to firing the  
25 lethal shots. DOE OFFICERSEWING and GUTIERREZ failed to properly handle  
26 the situation involving a person who is mentally ill or experiencing a mental health  
27 crisis.



1 ~~22.1. DECEDENT posed no immediate threat of death or serious bodily~~  
2 ~~injury during this incident, including during the use of the uses of force. Therefore,~~  
3 ~~the uses of force, including the Tasing and the shooting, were excessive,~~  
4 ~~unreasonable, unjustified, inappropriate, and contrary to basic police training.~~

5 ~~23.27.~~ Prior to the shooting, the officers engaged in pre-shooting negligent  
6 tactics, including escalating a situation involving a mentally ill individual, failing to  
7 create an appropriate tactical plan, failing to communicate amongst themselves,  
8 failing to give ~~a~~ verbal warnings that ~~deadly~~ force would be used.

9 ~~24.28.~~ Plaintiffs are DECEDENT's successors in interest as defined in Section  
10 377.11 of the California Code of Civil Procedure and each succeed to  
11 DECEDENT's interest in this action as the natural adult children of DECEDENT.

## 12 13 14 FIRST CLAIM FOR RELIEF

### 15 **Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)**

16 (Against Defendants ~~EWING and GUTIERREZ and DOE OFFICERS~~)

17 ~~25.29.~~ Plaintiffs repeat and re-allege each and every allegation in the prior  
18 paragraphs of this Complaint with the same force and effect as if fully set forth  
19 herein.

20 ~~26.30.~~ When Defendants ~~DOE OFFICER~~ ~~SEWING~~ and ~~GUTIERREZ~~ trained  
21 their weapons on DECEDENT, he was not free to leave. ~~DOE OFFICER~~ ~~SEWING~~  
22 ~~and GUTIERREZ~~ struck DECEDENT with the Taser, ~~as well as~~ ~~and~~ ~~EWING struck~~  
23 ~~DECEDENT with~~ lethal rounds, thereby seizing him. After the shooting, ~~DOE~~  
24 ~~OFFICER~~ ~~SEWING~~ and ~~GUTIERREZ~~ handcuffed DECEDENT. ~~DOE~~  
25 ~~OFFICER~~ ~~SEWING~~ and ~~GUTIERREZ~~ did not observe DECEDENT commit any  
26 crime, and DECEDENT was not engaged in any criminal activity at the time of the  
27 seizure, the use of force, or the handcuffing. In addition to the detention itself being  
28 unreasonable, the scope and matter of the detention was also unreasonable.

1        27.31. When Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ  
2 engaged in the foregoing conduct, detaining DECEDENT without reasonable  
3 suspicion and then arresting him without probable cause, they violated his right to  
4 be secure in his person against unreasonable searches and seizures as guaranteed to  
5 him under the Fourth Amendment to the United States Constitution and applied to  
6 state actors by the Fourteenth Amendment.

7        28.32. The conduct of Defendants ~~DOE OFFICER~~SEWING and  
8 GUTIERREZ was willful, wanton, malicious, and done with reckless disregard for  
9 the rights and safety of DECEDENT and therefore warrants the imposition of  
10 exemplary and punitive damages as to Defendants ~~DOE OFFICER~~SEWING and  
11 GUTIERREZ.

12        29.33. At all relevant times, ~~DOE OFFICER~~SEWING and GUTIERREZ were  
13 acting under color of state law.

14        30.34. As a result of their misconduct, Defendants ~~DOE OFFICER~~SEWING  
15 and GUTIERREZ are liable for DECEDENT's injuries, either because they were  
16 integral participants in the wrongful detention and arrest, or because they failed to  
17 intervene to prevent these violations.

18        34.35. As a result of the foregoing, DECEDENT suffered great physical pain  
19 and emotional distress up to the time of his death after the shooting, and also  
20 suffered a loss of enjoyment of life, loss of life, and loss of earning capacity. All  
21 Plaintiffs bring this claim as successors in interest to DECEDENT and seek survival  
22 damages, costs, and attorney's fees under this claim.

## 23 24                    **SECOND CLAIM FOR RELIEF**

### 25            **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

26            (Against Defendants EWING and GUTIERREZ ~~and DOE OFFICERS~~)  
27  
28

1 32.36. Plaintiffs repeat and re-allege each and every allegation in the prior  
2 paragraphs of this Complaint with the same force and effect as if fully set forth  
3 herein.

4 37. ~~DOE OFFICERS' EWING~~ and GUTIERREZ's unjustified tasing;  
5 shooting and other uses of force against DECEDENT, as well as EWING's use of  
6 lethal force against DECEDENT, deprived DECEDENT of his right to be secure in  
7 his person against unreasonable searches and seizures as guaranteed to him under  
8 the Fourth Amendment to the United States Constitution and applied to state actors  
9 by the Fourteenth Amendment.

10 38. The uses of force by EWING and GUTIERREZ, including the Taser  
11 deployment and the lethal shots, were excessive, unreasonable, unjustified,  
12 inappropriate, and contrary to basic police training. DECEDENT posed no  
13 immediate threat of death or serious bodily injury to any person during this incident,  
14 including during the use of the uses of force. DECEDENT held a wooden cross or  
15 object during this incident, and he was not armed with a knife, gun or other weapon.

16 39. EWING and GUTIERREZ failed to give DECEDENT a verbal  
17 warning before deploying their Tasers, even though it would have been feasible to  
18 do so. It also would have been feasible for EWING to give DECEDENT a verbal  
19 warning that deadly force would be used prior to shooting him, but EWING failed to  
20 do so, in violation of basic police training and standards.

21 33.40. The officers escalated the situation when they Tased DECEDENT. A  
22 reasonably well-trained officer in the position of EWING and GUTIERREZ would  
23 have known that DECEDENT was mentally ill or experiencing a mental crisis and  
24 would have known, based on police training, that deploying a Taser against a person  
25 who is mentally ill or experiencing a mental crisis would escalate the situation.

26 34.41. As a result of their misconduct, Defendants ~~DOE OFFICER SEWING~~  
27 and GUTIERREZ are liable for DECEDENT's injuries, either because they were  
28

1 integral participants in the uses of excessive force, or because they failed to  
2 intervene to prevent these violations.

3 35.42. The conduct of Defendants ~~DOE OFFICER~~ SEWING and  
4 GUTIERREZ was willful, wanton, malicious, and done with reckless disregard for  
5 the rights and safety of DECEDENT, and therefore warrants the imposition of  
6 exemplary and punitive damages as to Defendants ~~DOE OFFICER~~ SEWING and  
7 GUTIERREZ.

8 36.43. As a result of the foregoing, DECEDENT suffered great physical pain  
9 and emotional distress up to the time of his death after the shooting, loss of  
10 enjoyment of life, loss of life, and loss of earning capacity. Plaintiffs bring this  
11 claim as successors in interest to DECEDENT, and seek survival damages for the  
12 violation of DECEDENT's rights. All Plaintiffs further seek attorney's fees and  
13 costs under this claim.

### 14 15 THIRD CLAIM FOR RELIEF

#### 16 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

17 (Against Defendants EWING and GUTIERREZ ~~and DOE OFFICERS~~)

18 37.44. Plaintiffs repeat and re-allege each and every allegation in the prior  
19 paragraphs of this Complaint with the same force and effect as if fully set forth  
20 herein.

21 38.45. After being struck by the Taser and shot by lethal rounds, DECEDENT  
22 was immobile, bleeding profusely, and in obvious and critical need of emergency  
23 medical care and treatment. Defendants EWING and GUTIERREZ did not timely  
24 summon medical care or permit medical personnel to treat DECEDENT. The delay  
25 of medical care to DECEDENT caused DECEDENT extreme physical and  
26 emotional pain and suffering and was a contributing cause of DECEDENT's death.

1        39.46. The denial of medical care by the defendant officers deprived  
2 DECEDENT of his right to be secure in his person against unreasonable searches  
3 and seizures as guaranteed to him under the Fourth Amendment to the United States  
4 Constitution and applied to state actors by the Fourteenth Amendment.

5        40.47. Defendants DOE OFFICERSEWING and GUTIERREZ knew that  
6 failure to provide timely medical treatment to DECEDENT could result in further  
7 significant injury or the unnecessary and wanton infliction of pain, but disregarded  
8 that serious medical need, causing DECEDENT great bodily harm and death.

9        41.48. The conduct of DOE OFFICERSEWING and GUTIERREZ was  
10 willful, wanton, malicious, and done with reckless disregard for the rights and safety  
11 of DECEDENT and therefore warrants the imposition of exemplary and punitive  
12 damages as to Defendants DOE OFFICERSEWING and GUTIERREZ.

13        42.49. As a result of their misconduct, Defendants DOE OFFICERSEWING  
14 and GUTIERREZ are liable for DECEDENT's injuries, either because they were  
15 integral participants in the denial of medical care, or because they failed to intervene  
16 to prevent these violations.

17        43.50. As a result of the foregoing, DECEDENT suffered great physical pain  
18 and emotional distress up to the time of his death, loss of enjoyment of life, loss of  
19 life, and loss of earning capacity. All Plaintiffs bring this claim as successors in  
20 interest to DECEDENT, and seek survival damages for the violation of  
21 DECEDENT's rights. Plaintiffs further seek attorney's fees and costs under this  
22 claim.  
23  
24  
25  
26  
27  
28

**FOURTH CLAIM FOR RELIEF**

**Due Process—Interference with Familial Relationship (42 U.S.C. § 1983)**

(Against Defendants EWING and GUTIERREZ and DOE OFFICERS)

44.51. Plaintiffs repeat and re-allege each and every allegation in the prior paragraphs of this Complaint with the same force and effect as if fully set forth herein.

45.52. Plaintiffs had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in Plaintiffs' familial relationship with their father, DECEDENT.

53. The aforementioned actions of DOE OFFICER SEWING and GUTIERREZ, including escalating a situation involving a person who was having a mental crisis, unlawfully detaining and arresting DECEDENT, Tasing him, shooting him with a lethal firearm, and denying him medical care, along with other undiscovered conduct, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of DECEDENT and Plaintiffs, and with purpose to harm unrelated to any legitimate law enforcement objective.

46.54. The defendant officers had time to deliberate during this incident before deploying their Tasers and before EWING deployed his lethal firearm, including having time and opportunity to give DECEDENT a verbal warning that force would be used, time to give DECEDENT further commands and time to comply with these commands, and time to evaluate the reasonableness and necessity of using force against DECEDENT. DECEDENT was not armed with a gun, knife, or other weapon during this incident, and he posed no immediate threat of death or serious bodily injury to any person at the time of the Tasing and the shooting.

1 47.55.DOE OFFICERSEWING and GUTIERREZ thus violated the  
2 substantive due process rights of Plaintiffs to be free from unwarranted interference  
3 with his familial relationship with DECEDENT, his father.

4 48.56. As a direct and proximate cause of the acts of DOE OFFICERSEWING  
5 and GUTIERREZ, Plaintiffs suffered emotional distress, mental anguish, and pain.  
6 Plaintiffs have also been deprived of the life-long love, companionship, comfort,  
7 support, society, care, and sustenance of DECEDENT, and will continue to be so  
8 deprived for the remainder of their natural lives.

9 49.57. The conduct of DOE OFFICERSEWING and GUTIERREZ was  
10 willful, wanton, malicious, and done with reckless disregard for the rights and safety  
11 of DECEDENT and Plaintiffs, and therefore warrants the imposition of exemplary  
12 and punitive damages as to Defendants DOE OFFICERSEWING and GUTIERREZ.

13 50.58. All Plaintiffs bring this claim individually and seek wrongful death  
14 damages under this claim for the interference with their familial relationship with  
15 DECEDENT. Plaintiffs seek attorney's fees and costs under this claim.

16 #

17  
18 #

19  
20 **FIFTH CLAIM FOR RELIEF**

21 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

22 (Against Defendants CITY and DOES 8-10)

23 51.59. Plaintiffs repeat and re-allege each and every allegation in the prior  
24 paragraphs of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 52.60. Defendants DOE OFFICERSEWING and GUTIERREZ acted under  
27 color of law.  
28



1       ~~53.61.~~ The acts of Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ  
2 deprived DECEDENT and Plaintiffs of their particular rights under the United  
3 States Constitution.

4       ~~54.62.~~ The training policies of Defendant CITY was not adequate to train its  
5 police officers to handle the usual and recurring situations with which they must  
6 deal.

7       ~~55.63.~~ Defendant CITY was deliberately indifferent to the obvious  
8 consequences of its failure to train its police officers adequately.

9       ~~56.64.~~ The failure of Defendant CITY to provide adequate training caused the  
10 deprivation of DECEDENT's rights by Defendants ~~DOE OFFICER~~SEWING and  
11 GUTIERREZ; that is, the supervisory and municipal defendants' failures to train is  
12 so closely related to the deprivation of DECEDENT's rights as to be the moving  
13 force that caused the ultimate injury.

14       ~~57.65.~~ By reason of the aforementioned acts and omissions, Plaintiffs have  
15 suffered loss of the love, companionship, affection, comfort, care, society, training,  
16 guidance, and past and future support of DECEDENT. The aforementioned acts and  
17 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
18 and death.

19       ~~58.66.~~ Accordingly, Defendants CITY and DOES 8-10 each are liable to  
20 Plaintiff for compensatory damages under 42 U.S.C. § 1983.

21       ~~59.67.~~ Plaintiffs bring this claim as successors in interest to DECEDENT and  
22 seek both survival and wrongful death damages under this claim. Plaintiffs also  
23 seek attorney's fees and costs under this claim.

24  
25                               **SIXTH CLAIM FOR RELIEF**

26       **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

27                               (Against Defendants CITY and DOES 8-10)



1 ~~60.68.~~ Plaintiffs repeat and re-allege each and every allegation in the prior  
2 paragraphs of this Complaint with the same force and effect as if fully set forth  
3 herein.

4 ~~61.69.~~ Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ acted under  
5 color of law.

6 ~~62.70.~~ Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ acted pursuant  
7 to an expressly adopted official policy or a longstanding practice or custom of  
8 Defendant CITY.

9 ~~63.71.~~ On information and belief, Defendants ~~DOE OFFICER~~SEWING and  
10 GUTIERREZ were not disciplined, reprimanded, retrained, suspended, or otherwise  
11 penalized in connection with the unlawful detention and arrest of DECEDENT, the  
12 uses of force against DECEDENT, the denial of medical care to DECEDENT, or  
13 DECEDENT's death.

14 ~~64.72.~~ Defendants DOES 8-10, together with other CITY policymakers and  
15 supervisors maintained, inter alia, the following unconstitutional customs, practices,  
16 and policies:

- 17 (a) Using excessive force, including excessive use of deadly force  
18 and excessive use of less-lethal force;
- 19 (b) Providing inadequate training regarding the use of deadly force;
- 20 (c) Making unlawful detentions and arrests;
- 21 (d) Employing and retaining as police officers individuals such as  
22 Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ, whom  
23 Defendant CITY at all times material herein knew or reasonably  
24 should have known had dangerous propensities for abusing their  
25 authority and for using excessive force;
- 26 (e) Inadequately supervising, training, controlling, assigning, and  
27 disciplining CITY police officers, including ~~DOE~~
- 28

1 OFFICER SEWING and GUTIERREZ, whom Defendant CITY  
2 knew or in the exercise of reasonable care should have known  
3 had the aforementioned propensities and character traits;

- 4 (f) Maintaining grossly inadequate procedures for reporting,  
5 supervising, investigating, reviewing, disciplining and  
6 controlling misconduct by CITY police officers;
- 7 (g) Failing to adequately discipline CITY police officers,  
8 respectively, for the above-referenced categories of misconduct,  
9 including “slaps on the wrist,” discipline that is so slight as to be  
10 out of proportion to the magnitude of the misconduct, and other  
11 inadequate discipline that is tantamount to encouraging  
12 misconduct;
- 13 (h) Announcing that unjustified shootings are “within policy,”  
14 including shootings that were later determined in court to be  
15 unconstitutional;
- 16 (i) Even where shootings are determined in court to be  
17 unconstitutional, refusing to discipline, terminate, or retrain the  
18 officers/deputies involved;
- 19 (j) Encouraging, accommodating, or facilitating a “blue code of  
20 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,”  
21 or simply “code of silence,” pursuant to which police officers do  
22 not report other officers’ errors, misconduct, or crimes. Pursuant  
23 to this code of silence, if questioned about an incident of  
24 misconduct involving another officer, while following the code,  
25 the officer being questioned will claim ignorance of the other  
26 officers’ wrongdoing; and  
27  
28

1 (k) Maintaining a policy of inaction and an attitude of indifference  
2 towards soaring numbers of police shootings and other uses of  
3 force.

4 65.73. By reason of the aforementioned acts and omissions, Plaintiffs have  
5 suffered loss of the love, companionship, affection, comfort, care, society, training,  
6 guidance, and past and future support of DECEDENT. The aforementioned acts and  
7 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
8 and death.

9 66.74. Defendants CITY and DOES 8-10, together with various other  
10 officials, whether named or unnamed, had either actual or constructive knowledge  
11 of the deficient policies, practices and customs alleged in the paragraphs above.  
12 Despite having knowledge as stated above, these defendants condoned, tolerated and  
13 through actions and inactions thereby ratified such policies. Said defendants also  
14 acted with deliberate indifference to the foreseeable effects and consequences of  
15 these policies with respect to the constitutional rights of DECEDENT, Plaintiffs,  
16 and other individuals similarly situated.

17 67.75. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
18 conduct and other wrongful acts, CITY and DOES 8-10, acted with intentional,  
19 reckless, and callous disregard for the life of DECEDENT and for DECEDENT's  
20 and Plaintiffs' constitutional rights. Furthermore, the policies, practices, and  
21 customs implemented, maintained, and still tolerated by Defendants CITY and  
22 DOES 8-10, were affirmatively linked to and were a significantly influential force  
23 behind the injuries of DECEDENT and Plaintiffs.

24 68.76. Accordingly, Defendants CITY and DOES 8-10, each are liable to  
25 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.  
26  
27  
28

1 69.77. All Plaintiffs bring this claim individually and as successor in interest  
2 to DECEDENT and seek both survival and wrongful death damages under this  
3 claim. Plaintiffs seek attorney's fees and costs under this claim.  
4

5 **SEVENTH CLAIM FOR RELIEF**

6 **Municipal Liability for Ratification (42 U.S.C. §1983)**

7 (Against Defendants CITY and DOES 8-10)

8 70.78. Plaintiffs repeat and re-allege each and every allegation in the prior  
9 paragraphs of this Complaint with the same force and effect as if fully set forth  
10 herein.

11 71.79. Defendants DOE OFFICERSEWING and GUTIERREZ acted under  
12 color of law.

13 72.80. The acts of Defendants DOE OFFICERSEWING and GUTIERREZ  
14 deprived DECEDENT and Plaintiffs of their particular rights under the United  
15 States Constitution.

16 73.81. Upon information and belief, a final policymaker, acting under color of  
17 law, has a history of ratifying unreasonable uses of force, including deadly force.

18 74.82. Upon information and belief, final policymakers, acting under color of  
19 law, who had final policymaking authority concerning the acts of Defendants DOE  
20 OFFICERSEWING and GUTIERREZ ratified the individual Defendants' acts and  
21 the bases for them. Upon information and belief, the final policymakers knew of  
22 and specifically approved of the individual Defendants' acts.

23 75.83. Upon information and belief, final policymakers have determined (or  
24 will determine) that the acts of Defendants DOE OFFICERSEWING and  
25 GUTIERREZ were "within policy."

26 76.84. On information and belief, the CITY ratified the conduct by DOE  
27 OFFICERSEWING and GUTIERREZ as alleged herein.  
28

1 ~~77.85.~~ By reason of the aforementioned acts and omissions, Plaintiffs have  
2 been deprived of the life-long love, companionship, comfort, support, society, care  
3 and sustenance of DECEDENT, and will continue to be so deprived for the  
4 remainder of their natural lives. The aforementioned acts and omissions also caused  
5 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

6 ~~78.86.~~ Accordingly, Defendants CITY and DOES 8-10 are liable to Plaintiffs  
7 for compensatory damages under 42 U.S.C. § 1983.

8 ~~79.87.~~ Plaintiffs bring this claim both individually and as successors-in-  
9 interest to DECEDENT. Plaintiffs seek survival damages, including for the nature  
10 and extent of DECEDENT's injuries, pre-death pain and suffering, emotional  
11 distress, and loss of life and enjoyment of life, as well as wrongful death damages,  
12 attorneys' fees, and costs under this claim.

13 ~~80.88.~~ The conduct of Defendants DOES 8-10 was malicious, oppressive and  
14 in reckless disregard for the rights and safety of DECEDENT and Plaintiffs and  
15 warrants the imposition of exemplary and punitive damages as to DOES 8-10.

## 16 17 **EIGHTH CLAIM FOR RELIEF**

### 18 **False Arrest/False Imprisonment (survival and wrongful death)**

19 (Against Defendants CITY, ~~EWING and GUTIERREZ~~ and ~~DOE OFFICERS~~)

20 ~~81.89.~~ Plaintiffs repeat and re-allege each and every allegation in the prior  
21 paragraphs of this Complaint with the same force and effect as if fully set forth  
22 herein.

23 ~~82.90.~~ Defendants lacked reasonable suspicion to detain and probable cause to  
24 arrest DECEDENT.

25 ~~83.91.~~ Defendants ~~DOE OFFICER~~ ~~SEWING~~ and ~~GUTIERREZ~~ intentionally  
26 deprived DECEDENT of ~~her~~ his freedom of movement by use of force, threats of  
27 force, menace, fraud, deceit, and unreasonable duress when they when they trained  
28 their weapons on him and then shot him multiple times with both lethal and less-

1 than-lethal rounds, thereby seizing him, and also when they handcuffed  
2 DECEDENT after their uses of force, without probable cause.

3 84.92. The conduct of DOE OFFICERSEWING and GUTIERREZ was a  
4 substantial factor in causing the harm to DECEDENT.

5 85.93. As a result of their misconduct, DOE OFFICERSEWING and  
6 GUTIERREZ are liable for DECEDENT's injuries, either because they were  
7 integral participants in the false arrest/false imprisonment, or because they failed to  
8 intervene to prevent these violations.

9 86.94. At all relevant times, DOE OFFICERSEWING and GUTIERREZ were  
10 working as police officers for the City of San Bernardino Police Department and  
11 were acting within the course and scope of their duties as police officers for the  
12 CITY.

13 87.95. Defendant CITY is vicariously liable for the wrongful acts of DOE  
14 OFFICERSEWING and GUTIERREZ pursuant to section 815.2(a) of the California  
15 Government Code, which provides that a public entity is liable for the injuries  
16 caused by its employees within the scope of the employment if the employee's act  
17 would subject him or her to liability.

18 88.96. The conduct of DOE OFFICERSEWING and GUTIERREZ was  
19 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
20 rights of DECEDENT, entitling Plaintiff to an award of exemplary and punitive  
21 damages as to the individual defendants.

22 89.97. All Plaintiffs bring this claim individually and as successors in interest  
23 to DECEDENT, and seek both survival damages and wrongful death damages under  
24 this claim.

25  
26 **NINTH CLAIM FOR RELIEF**

27 **Battery (wrongful death and survival claim)**

28 (Against Defendants CITY, EWING and GUTIERREZ and DOE OFFICERS)

1 98. Plaintiffs repeat and re-allege each and every allegation in the prior  
2 paragraphs of this Complaint with the same force and effect as if fully set forth  
3 herein.

4 99. The uses of force by EWING and GUTIERREZ, including the Taser  
5 deployment and the lethal shots, were excessive, unreasonable, unjustified,  
6 inappropriate, and contrary to basic police training. DECEDENT posed no  
7 immediate threat of death or serious bodily injury to any person during this incident,  
8 including during the use of the uses of force. DECEDENT held a wooden cross or  
9 object during this incident, but he was not armed with a knife, gun or other weapon.

10 100. EWING and GUTIERREZ failed to give DECEDENT a verbal  
11 warning before deploying their Tasers, even though it would have been feasible to  
12 do so. It also would have been feasible for EWING to give DECEDENT a verbal  
13 warning that deadly force would be used prior to shooting him, but EWING failed to  
14 do so, in violation of basic police training and standards.

15 90.101. The officers escalated the situation when they Tased  
16 DECEDENT. A reasonably well-trained officer in the position of EWING and  
17 GUTIERREZ would have known that DECEDENT was mentally ill or experiencing  
18 a mental crisis and would have known, based on police training, that deploying a  
19 Taser against a person who is mentally ill or experiencing a mental crisis would  
20 escalate the situation.

21 91.102. As a direct and proximate result of the conduct of ~~DOE~~  
22 ~~DEPUTIE~~ EWING and GUTIERREZ, as alleged above, DECEDENT sustained  
23 injuries, died from ~~her~~ his injuries and also lost ~~her~~ his earning capacity. As a direct  
24 and proximate result of the conduct of ~~DOE OFFICER~~ SEWING and GUTIERREZ  
25 as alleged above, DECEDENT suffered survival damages pursuant to Code of Civil  
26 Procedure Section 377.34.



1        92.103. At all relevant times, ~~DOE OFFICER~~SEWING and  
2 GUTIERREZ were working as police officers for the City of San Bernardino Police  
3 Department and were acting within the course and scope of their duties as police  
4 officers for the CITY.

5        93.104. Defendant CITY is vicariously liable for the wrongful acts of  
6 ~~DOE OFFICER~~SEWING and GUTIERREZ pursuant to section 815.2(a) of the  
7 California Government Code, which provides that a public entity is liable for the  
8 injuries caused by its employees within the scope of the employment if the  
9 employee's act would subject him or her to liability.

10        94.105. The conduct of ~~DOE OFFICER~~SEWING and GUTIERREZ was  
11 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
12 rights of Plaintiffs and DECEDENT, entitling Plaintiffs, individually and as the  
13 successors in interest to DECEDENT, to an award of exemplary and punitive  
14 damages as to Defendants ~~DOE OFFICER~~SEWING and GUTIERREZ.

15        95.106. All Plaintiffs bring this claim individually and as successors in  
16 interest to DECEDENT, and seek both survival damages and wrongful death  
17 damages under this claim.

18  
19                                    **TENTH CLAIM FOR RELIEF**

20                                    **Negligence** (wrongful death and survival claim)

21                                    (Against all Defendants)

22        96.107. Plaintiffs repeat and re-allege each and every allegation in the  
23 prior paragraphs of this Complaint with the same force and effect as if fully set forth  
24 herein.

25        108. Police officers, including ~~DOE OFFICER~~SEWING and GUTIERREZ,  
26 have a duty to use reasonable care to prevent harm or injury to others. This duty  
27 includes only making lawful detentions and arrests, using appropriate tactics, giving  
28



1 appropriate commands, giving warnings, and not using any force unless necessary,  
2 using less than lethal options, and only using deadly force as a last resort.

3 109. The uses of force by EWING and GUTIERREZ, including the Taser  
4 deployment and the lethal shots, were negligent and contrary to basic police  
5 training. DECEDENT posed no immediate threat of death or serious bodily injury to  
6 any person during this incident, including during the use of the uses of force.  
7 DECEDENT held a wooden cross or object during this incident, but he was not  
8 armed with a knife, gun or other weapon.

9 110. EWING and GUTIERREZ negligently failed to give DECEDENT a  
10 verbal warning before deploying their Tasers, even though it would have been  
11 feasible to do so. It also would have been feasible for EWING to give DECEDENT  
12 a verbal warning that deadly force would be used prior to shooting him, but EWING  
13 failed to do so, in violation of basic police training and standards.

14 97.111. In violation of their police training, the officers escalated the  
15 situation when they Tased DECEDENT. Properly trained police officers are taught  
16 recognize signs of mental illness and taught to de-escalate situations involving a  
17 mentally ill individual or a person who is experiencing a mental crisis. A reasonably  
18 well-trained officer in the position of EWING and GUTIERREZ would have known  
19 that DECEDENT was mentally ill or experiencing a mental crisis and would have  
20 known, based on police training, that deploying a Taser against a person who is  
21 mentally ill or experiencing a mental crisis would escalate the situation

22 98.112. As a trained police officers, DOE OFFICER SEWING and  
23 GUTIERREZ should have recognized that DECEDENT was experiencing a mental  
24 health issue, and should have responded accordingly. Properly trained police  
25 officers are taught recognize signs of mental illness and taught to de-escalate  
26 situations involving a mentally ill individual or a person who is experiencing a  
27 mental crisis. The officers violated their training and basic police training when  
28

1 ~~they escalated the situation involving DECEDENT, particularly because~~  
2 ~~DECEDENT was obviously experiencing a mental crisis.~~

3 99.113. Defendants ~~DOE OFFICERSEWING~~ and ~~GUTIERREZ~~  
4 breached ~~this~~their duty of care. The actions and inactions of Defendants ~~DOE~~  
5 ~~OFFICERSEWING~~ and ~~GUTIERREZ~~ were negligent and reckless, including but  
6 not limited to:

- 7 (a) the failure to properly and adequately assess the need to use  
8 force against DECEDENT, and negligent use of the Taser and  
9 negligent use of deadly force;  
10 (b) the negligent tactics and handling of the situation with  
11 DECEDENT, including pre-shooting negligence and the failure  
12 to properly handle a situation with a mentally ill individual or a  
13 person who is undergoing a mental crisis;  
14 (c) the negligent detention, negligent arrest, negligent failure to give  
15 a warning prior to using force, and the negligent use of force,  
16 including deadly force, against DECEDENT;  
17 (d) the failure to provide prompt medical care to DECEDENT after  
18 the shooting;  
19 (e) the failure to properly train and supervise employees, both  
20 professional and non-professional, including ~~DOE~~  
21 ~~OFFICERSEWING~~ and ~~GUTIERREZ~~; and  
22 (f) the negligent communication of information during the incident.

23 100.114. As a direct and proximate result of Defendants' conduct as  
24 alleged above, and other undiscovered negligent conduct, DECEDENT was caused  
25 to suffer severe pain and suffering and ultimately died. Also as a direct and  
26 proximate result of Defendants' conduct as alleged above, Plaintiffs have suffered  
27 emotional distress and mental anguish. Plaintiffs also have been deprived of the  
28

1 life-long love, companionship, comfort, support, society, care and sustenance of  
2 DECEDENT, and will continue to be so deprived for the remainder of their natural  
3 lives.

4 ~~101.115.~~ At all relevant times, ~~DOE OFFICER~~SEWING and  
5 GUTIERREZ were working as police officers for the City of San Bernardino Police  
6 Department and were acting within the course and scope of their duties as police  
7 officers for the CITY.

8 ~~102.116.~~ Defendant CITY is vicariously liable for the wrongful acts of  
9 ~~DOE OFFICER~~SEWING, GUTIERREZ, and DOES 3-10 pursuant to section  
10 815.2(a) of the California Government Code, which provides that a public entity is  
11 liable for the injuries caused by its employees within the scope of the employment if  
12 the employee's act would subject him or her to liability.

13 ~~103.117.~~ All Plaintiffs bring this claim individually and as successors in  
14 interest to DECEDENT, and seek both wrongful death and survival damages under  
15 this claim.

16  
17 **ELEVENTH CLAIM FOR RELIEF**

18 **(Violation of Cal. Civil Code § 52.1)**

19 **(Against all Defendants)**

20 ~~104.118.~~ Plaintiffs repeat and re-allege each and every allegation in the  
21 prior paragraphs of this Complaint with the same force and effect as if fully set forth  
22 herein.

23 ~~105.119.~~ California Civil Code, Section 52.1 (the Bane Act), prohibits any  
24 person from using violent acts or threatening to commit violent acts in retaliation  
25 against any person for exercising that person's constitutional rights, which can be  
26 shown by a reckless disregard for that person's civil rights. ~~DOE~~  
27 OFFICERSEWING and GUTIERREZ intended to interfere with DECEDENT's  
28

1 constitutional rights, did successfully interfere with DECEDENT's constitutional  
2 rights, and also acted with reckless disregard for DECEDENT's constitutional  
3 rights.

4 ~~106.120.~~ Defendants ~~DOE OFFICERSEWING~~ and ~~GUTIERREZ~~  
5 intentionally committed and attempted to commit acts of violence against  
6 DECEDENT.

7 ~~107.121.~~ On information and belief, Defendants intentionally committed  
8 the above acts to discourage DECEDENT from exercising his civil rights, to  
9 retaliate against him for invoking such rights, or to prevent him from exercising  
10 such rights, which he was fully entitled to enjoy.

11 ~~108.122.~~ On information and belief, DECEDENT reasonably believed and  
12 understood that the violent acts committed by Defendants ~~DOE OFFICERSEWING~~  
13 ~~and GUTIERREZ~~ were intended to discourage him from exercising his  
14 constitutional rights, to retaliate against him for invoking such rights, or to prevent  
15 him from exercising such rights.

16 ~~109.123.~~ The conduct of Defendants ~~DOE OFFICERSEWING~~ and  
17 ~~GUTIERREZ~~ was a substantial factor in causing DECEDENT's and Plaintiffs'  
18 harms, losses, injuries, and damages.

19 ~~110.124.~~ At all relevant times, ~~DOE OFFICERSEWING~~ and  
20 ~~GUTIERREZ~~ were working as police officers for the City of San Bernardino Police  
21 Department and were acting within the course and scope of their duties as police  
22 officers for the CITY.

23 ~~111.125.~~ Defendant CITY is vicariously liable for the wrongful acts of  
24 ~~DOE OFFICERSEWING, GUTIERREZ, and DOES 3-10~~ pursuant to section  
25 815.2(a) of the California Government Code, which provides that a public entity is  
26 liable for the injuries caused by its employees within the scope of the employment if  
27 the employee's act would subject him or her to liability.  
28

1 ~~112.126.~~ Defendants DOES 8-10 are vicariously liable under California  
2 law and the doctrine of *respondeat superior*.

3 ~~113.127.~~ The conduct of Defendants was malicious, wanton, oppressive,  
4 and accomplished with a conscious disregard for DECEDENT's and Plaintiffs'  
5 rights, justifying an award of exemplary and punitive damages as to Defendants  
6 DOE OFFICERS.

7 ~~114.128.~~ All Plaintiffs bring this claim as successors in interest to  
8 DECEDENT, and seek survival damages under this claim. Plaintiffs seek attorney's  
9 fees and costs under this claim pursuant to Cal. Civ. Code §52.1.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs JOSE ALVARADO, JIMENA ALVARADO, ERIKA ALVARADO, and MARCOS ALVARADO request entry of judgment in their favor and against Defendants CITY OF SAN BERNARDINO, ZACK EWING, CARLA GUTIERREZ, and DOES ~~13~~-10, as follows:

- A. For compensatory damages, including both survival damages and wrongful death damages under federal and state law, in the amount to be proven at trial;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For reasonable attorneys' fees, including litigation expenses;
- F. For costs of suit; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: September 27,  
~~2024~~September 27,  
~~2024~~August 5, 2024July 15,  
~~2024~~

LAW OFFICES OF DALE K. GALIPO

/s/ Dale K. Galipo

Dale K. Galipo

Renee V. Masongsong

*Attorneys for Plaintiff*

DATED: September 27,  
~~2024~~September 27,  
~~2024~~August 5, 2024July 15,  
~~2024~~

LAW OFFICES OF SHARON J. BRUNNER

/s/ Sharon J. Brunner

Sharon J. Brunner

*Attorneys for Plaintiffs*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

///

DATED: September 27,  
2024~~September 27,~~  
~~2024~~August 5, 2024~~July 15,~~  
~~2024~~

LAW OFFICES OF JAMES S. TERRELL

/s/ James S. Terrell  
James S. Terrell  
*Attorneys for Plaintiffs*

///

**DEMAND FOR JURY TRIAL**

Plaintiffs JOSE ALVARADO, JIMENA ALVARADO, ERIKA ALVARADO, and MARCOS ALVARADO hereby demand a trial by jury.

DATED: September 27,  
2024~~September 27,~~  
~~2024~~August 5, 2024~~July 15,~~  
~~2024~~

LAW OFFICES OF DALE K. GALIPO

s/ Dale K. Galipo

Dale K. Galipo

Renee V. Masongsong

*Attorneys for Plaintiff*

DATED: September 27,  
2024~~September 27,~~  
~~2024~~August 5, 2024~~July 15,~~  
~~2024~~

LAW OFFICES OF JAMES S. TERRELL

s/ James S. Terrell

James S. Terrell

*Attorneys for Plaintiffs*

DATED: September 27,  
2024~~September 27,~~  
~~2024~~August 5, 2024~~July 15,~~  
~~2024~~

LAW OFFICES OF SHARON J. BRUNNER

s/ Sharon J. Brunner

Sharon J. Brunner

*Attorneys for Plaintiffs*